IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3700 OF 2004

IN

SUIT NO.177 OF 2004

...

M/s.Lakadia Enterprises Ltd. ...Plaintiff

v/s.

Shree Jagadamaba Movie

Combine & Ors. ...Defendants

...

Mr.Tushar Bhavsar i/b Ranjit & Co. for the Plaintiff.

Mr.C.N. Mani for Defendant No.2.

Mr.Shah i/b Lilani Shah & Co. for the Defendant No.3.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD DECEMBER,2005

P.C.:

Heard the learned Counsel for the Plaintiff and the learned Counsel appearing for the Defendants. It appears that the matter was kept back twice, but still the Plaintiff did not appear. The explanation given for absence can by no stretch of imagination be called as sufficient cause. But the Plaintiff has agreed to pay substantial costs to the Defendant No.2, who has filed affidavit in reply opposing this Notice of Motion. In my opinion, therefore, following order would meet the ends of justice.

O R D E R

Notice of Motion is granted in terms of prayer clause (a) subject to the condition that within a period of three weeks from today the Plaintiff pays to the Defendant No.2 as and by way of costs of this Motion, an amount of Rs.10,000/-. If the amount is not paid within the aforesaid period, office to treat this motion as dismissed.

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